

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

---

USCA Docket Number:

USDC Docket Number : 04-cv-11895

Richard J. Andrew

v.

Kenneth Nelson

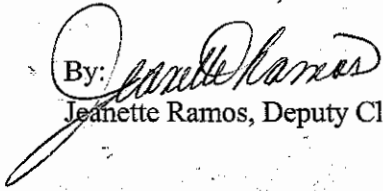
---

**CLERK'S CERTIFICATE**

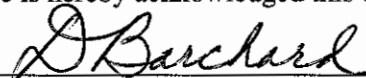
I, Sarah A. Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents as indicated on the certified copy of the docket and contained in Volume(s) I are the original pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 10/5/05.

In testimony whereof, I hereunto set my hand and affix the seal of this Court on October 12, 2005.

Sarah A Thornton, Clerk of Court

By:   
Jeanette Ramos, Deputy Clerk

Receipt of the documents in the above entitled case is hereby acknowledged this date: 10/19/05.

  
Deputy Clerk, US Court of Appeals

---

Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: \_\_\_\_\_

APPEAL

**United States District Court  
District of Massachusetts (Boston)  
CIVIL DOCKET FOR CASE #: 1:04-cv-11895-REK**

Andrew v. Nelson  
Assigned to: Judge Robert E. Keeton  
Cause: 28:2254 Petition for Writ of Habeas  
Corpus (State)

Date Filed: 08/31/2004  
Jury Demand: None  
Nature of Suit: 530 Habeas  
Corpus (General)  
Jurisdiction: Federal Question

**Petitioner**

**Richard J. Andrew**

represented by **Richard J. Andrew**  
Cadre Work Program  
20 Administration Road  
Bridgewater, MA 02324  
PRO SE

V.

**Respondent**

**Kenneth Nelson**

represented by **David M. Lieber**  
Assistant Attorney General  
One Ashburton Place  
Boston, MA 02108  
617-727-2200  
Fax: 617-727-5755  
Email:  
david.lieber@ago.state.ma.us  
*ATTORNEY TO BE  
NOTICED*

Date Filed	#	Docket Text

08/31/2004	<u>1</u>	PETITION for writ of habeas corpus pursuant to 28:2254 \$ 5, receipt number 58330, filed by Richard J. Andrew.(Folan, Karen) (Entered: 09/01/2004)
08/31/2004		If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Bowler. (Folan, Karen) (Entered: 09/01/2004)
08/31/2004	<u>2</u>	MEMORANDUM OF LAW by Richard J. Andrew to <u>1</u> Petition for writ of habeas corpus (28:2254). (Folan, Karen) (Entered: 09/01/2004)
08/31/2004	<u>3</u>	MOTION to Appoint Counsel by Richard J. Andrew. (Folan, Karen) (Entered: 09/01/2004)
11/08/2004	<u>4</u>	Letter(non-motion) from Richard J. Andrew re: status of case. (Folan, Karen) (Entered: 11/08/2004)
11/08/2004	<u>5</u>	Judge Robert E. Keeton : ORDER entered SERVICE ORDER re 2254 Petition. Order entered pursuant to R.4 of the Rules governing Section 2254 cases for service on respondents. Answer/responsive pleading due w/in 20 days of rcpt of this order.(Folan, Karen) (Entered: 11/08/2004)
11/24/2004	<u>6</u>	MOTION for Extension of Time to December 29, 2004 to File Answer re <u>1</u> Petition for writ of habeas corpus (28:2254) by Kenneth Nelson.(Lieber, David) (Entered: 11/24/2004)
11/30/2004		Judge Robert E. Keeton : ELECTRONIC ORDER entered granting <u>6</u> Motion for Extension of Time to Answer up to December 29, 2004 for Kenneth Nelson. (Folan, Karen) (Entered: 12/01/2004)
12/28/2004	<u>7</u>	MOTION to Dismiss by Kenneth Nelson.(Lieber, David) (Entered: 12/28/2004)
12/28/2004	<u>8</u>	MEMORANDUM in Support re <u>7</u> MOTION to Dismiss filed by Kenneth Nelson. (Lieber, David) (Entered: 12/28/2004)

01/05/2005	<u>9</u>	MOTION to Strike <u>7</u> MOTION to Dismiss by Richard J. Andrew.(Folan, Karen) (Entered: 01/20/2005)
07/06/2005	<u>10</u>	Judge Robert E. Keeton : MEMORANDUM AND ORDER entered denying <u>3</u> Motion to Appoint Counsel, denying <u>9</u> Motion to Strike. "...As discussed in Part III of the above Memorandum, petitioner Andrew has until July 26, 2005, to file a response to the respondent's Motion to Dismiss (Docket No. 7)." (Folan, Karen) (Entered: 07/06/2005)
07/25/2005	<u>11</u>	MOTION for Extension of Time to September 26, 2005 to respond to motion to dismiss by Richard J. Andrew.(Folan, Karen) (Entered: 07/26/2005)
08/02/2005	<u>12</u>	Judge Robert E. Keeton : MEMORANDUM AND ORDER entered granting in part and denying in part <u>11</u> Motion for Extension of Time. (Folan, Karen) (Entered: 08/03/2005)
08/05/2005	<u>13</u>	MOTION for Leave to File supplemental affidavit in support of motion for appointment of counsel by Richard J. Andrew.(Folan, Karen) (Entered: 08/09/2005)
08/05/2005	<u>14</u>	MOTION for Reconsideration of the denial of appointment of counsel in light of supplemental affidavit by Richard J. Andrew.(Folan, Karen) (Entered: 08/09/2005)
08/05/2005	<u>15</u>	SUPPLEMENTAL AFFIDAVIT of Richard Andrew re <u>14</u> MOTION for Reconsideration of appointment of counsel by Richard J. Andrew. (Folan, Karen) (Entered: 08/09/2005)
08/18/2005	<u>16</u>	Judge Robert E. Keeton : MEMORANDUM AND ORDER entered granting <u>13</u> Motion for Leave to File, denying <u>14</u> Motion for Reconsideration. "...Andrew has until August 23, 2005, to file a response to respondent's motion to dismiss (Docket No. 7)." (Folan, Karen) (Entered: 08/19/2005)



08/23/2005	<u>17</u>	Letter(non-motion) from Richard Andrew to Judge Keeton. (Folan, Karen) (Entered: 08/25/2005)
08/23/2005	<u>18</u>	Reply pursuant to 5(E) by Richard J. Andrew. (Folan, Karen) (Entered: 08/25/2005)
09/15/2005	<u>19</u>	Judge Robert E. Keeton : MEMORANDUM AND ORDER entered granting <u>7</u> Motion to Dismiss. (Folan, Karen) (Entered: 09/19/2005)
09/15/2005	<u>20</u>	Judge Robert E. Keeton : FINAL ORDER entered. "As explained in the Memorandum and Order issued on this date, Richard J. Andrew's Petition Under 28 U.S.C. 2254 For Writ of Habeas Corpus By a Person in State Custody is DISMISSED WITH PREJUDICE, the parties to bear their own costs." (Folan, Karen) (Entered: 09/19/2005)
09/15/2005		Civil Case Terminated. (Folan, Karen) (Entered: 09/19/2005)
10/05/2005	<u>21</u>	NOTICE OF APPEAL as to <u>20</u> Order, by Richard J. Andrew. NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at <a href="http://www.ca1.uscourts.gov/clerks/transcript.htm">http://www.ca1.uscourts.gov/clerks/transcript.htm</a> MUST be completed and submitted to the Court of Appeals. Appeal Record due by 10/25/2005. (Folan, Karen) (Entered: 10/11/2005)
10/05/2005	<u>22</u>	MOTION for Certificate of Appealability by Richard J. Andrew.(Folan, Karen) (Entered: 10/11/2005)
10/05/2005	<u>23</u>	CERTIFICATE OF SERVICE by Richard J. Andrew re <u>22</u> MOTION for Certificate of Appealability, <u>21</u> Notice of Appeal,. (Folan, Karen) (Entered: 10/11/2005)